

HOUSE BILL NO. 788
INTRODUCED BY O'CONNELL

IN THE HOUSE

February 14, 1983	Introduced and referred to Committee on Local Government.
February 19, 1983	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 22, 1983	Second reading, pass consideration. Second reading, do pass.
February 23, 1983	Considered correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Local Government.
March 23, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 25, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 38; Noes, 9.

IN THE HOUSE

March 28, 1983

Returned to House with
amendments.

April 4, 1983

Second reading, amendments
concurred in.

April 5, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 782
2 INTRODUCED BY O. Russell
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR
5 ESTABLISHMENT OF FIRE HYDRANT MAINTENANCE DISTRICTS IN
6 CITIES AND TOWNS; PROVIDING FOR METHODS OF ASSESSING THE
7 DISTRICTS FOR COSTS; AND PROVIDING AN EFFECTIVE DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Authorization to create fire hydrant
11 maintenance districts. Whenever the public convenience and
12 necessity may require, one or more fire hydrant maintenance
13 districts may be established in a city or town.
14 Section 2. Resolution of intention to create a fire
15 hydrant maintenance district. (1) Before creating any fire
16 hydrant maintenance district, the city council shall pass a
17 resolution of intention to do so.
18 (2) The resolution must designate the district number,
19 describe the boundaries of the district, provide an estimate
20 of the cost of any improvement and the cost of maintaining
21 district fire hydrants, and the proportion of such costs to
22 be assessed against the property within the district.
23 Section 3. Notice of resolution of intent to create a
24 fire hydrant maintenance district. (1) Upon passing the
25 resolution required by [section 2], the council shall give

1 notice of such passage. The notice must be published for 5
2 days in a daily newspaper or, if there is no daily
3 newspaper, in one issue of a weekly newspaper in the city or
4 town. If no newspaper is published in the city or town,
5 notice must be given by posting the notice for 5 days in
6 three public places in the city or town. A copy of the
7 notice must be mailed to the last-known address of every
8 person, firm, or corporation having property within the
9 proposed district on the same day the notice is first
10 published or posted.

11 (2) The notice must describe the general character of
12 the proposed improvement, state the estimated cost of the
13 improvement and the cost of maintaining the hydrants within
14 the district for the first year, and designate the time when
15 and place where the council will hear and pass upon all
16 protests against the establishment of the improvement or the
17 creation of the district. The notice must refer to the
18 resolution on file in the office of the city clerk for a
19 description of the boundaries.

20 Section 4. Protest against creation of fire hydrant
21 maintenance district. At any time within 15 days after the
22 date of the first publication or posting of the notice of
23 passage of the resolution of intention, any owner of
24 property who would be liable for district assessments may
25 make a written protest against the proposed improvement or

1 the creation of the district, or both. The protest must be
2 delivered, in writing, to the clerk of the city council, who
3 shall endorse thereon the date of its receipt by him.

4 Section 5. Consideration of protest. (1) At the next
5 regular meeting of the city council after the expiration of
6 the 15-day protest period provided for in [section 4], the
7 city council shall proceed to hear and pass upon all
8 protests, and its decision is final and conclusive. If the
9 council finds that the owners of a majority of the property
10 proposed to be assessed have protested on grounds of cost of
11 the improvement, no further proceedings may be taken on the
12 subject of such proposed improvement district for a period
13 of at least 6 months from the date of expiration of the
14 15-day protest period.

15 (2) In determining whether or not sufficient protests
16 have been filed to prevent further proceedings, property
17 owned by a county, city, or town is considered the same as
18 other property in the district.

19 (3) The city council may adjourn and reconvene the
20 hearing on protests from time to time.

21 Section 6. Resolution to create fire hydrant
22 maintenance district. (1) The city council has jurisdiction
23 to order the proposed improvements if:

24 (a) no protests have been delivered to the clerk of
25 the city council within the 15-day protest period provided

1 for in [section 4]; or

2 (b) protests have been found by the city council to be
3 insufficient in number to halt further proceedings and such
4 protests have been heard on their merits and denied.

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6 city council shall pass a resolution creating the fire
7 hydrant maintenance district in accordance with the
8 resolution of intention previously introduced and passed by
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13 cost of installing and maintaining fire hydrants each year
14 and the portion thereof to be assessed against the property
15 within the district. Before the first Monday in October,
16 the council must pass and finally adopt a resolution levying
17 and assessing the property within the district. The city or
18 town council, for the purpose of making the assessment,
19 shall adopt one of the following methods:

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21 installation and maintenance against the entire district,
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23 assessed for that part of the whole cost which its area
24 bears to the area of the entire district, exclusive of
25 streets, avenues, alleys, and public places.

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5 be assessed in its lineal proportion to the total lineal
6 feet bordering or abutting on such streets.

7 (3) The council may assess the cost of fire hydrant
8 installation and maintenance against the entire district by
9 assessing a portion of the total cost by the area method
10 provided in subsection (1) and the remainder of the cost by
11 the frontage method provided in subsection (2). The council
12 shall determine and fix the portion to be assessed in each
13 district by each such method.

14 (4) If the city council determines that the area,
15 frontage, or combination options are inequitable, it may
16 assess the cost of fire hydrant installation and maintenance
17 against the entire district, each lot or parcel of land
18 within such district to be assessed for that part of the
19 whole cost that its taxable valuation, including
20 improvements, bears to the taxable valuation of the entire
21 district.

22 Section 8. Collection method -- utility options --
23 resolution of assessment. The city council may assess the
24 costs of fire hydrant maintenance through a resolution of
25 assessment or it may collect the costs by assessing them

1 along with water and sewer fees.

2 Section 9. Preexisting districts. A fire hydrant
3 maintenance district established prior to July 1, 1983, is
4 not subject to any provision of [this act] except [section
5 7].

6 Section 10. Effective date. This act is effective July
7 1, 1983.

-End-

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2 INTRODUCED BY O. O'Neill
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Approved by Comm.
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-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 788 be amended as follows:

1. Page 5, line 7.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

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7 ~~{3}--The--council--may--assess--the--cost--of--fire--hydrant~~
8 ~~installation--and--maintenance--against--the--entire--district--by~~
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10 ~~provided--in--subsection--(1)--and--the--remainder--of--the--cost--by~~
11 ~~the--frontage--method--provided--in--subsection--(2);--The--council--~~
12 ~~shall--determine--and--fix--the--portion--to--be--assessed--in--each~~
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